

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DURR SYSTEMS, INC.,

Plaintiff,

v.

FORI AUTOMATION, INC.

Defendant.

CIVIL ACTION NO. 08-10560

HONORABLE AVERN COHN

SCHEDULING ORDER RE: MARKMAN

This is a patent case. The patents-in-suit are U.S. Patent No. 7,082,677 (the “677 patent”), which covers an Assembly Line for Mounted Units, and U.S. Patent No. 7,069,644 (the “644 patent”), which covers an Adjustable Workpiece Support Assembly for Conveyors. Plaintiff alleges Defendant has infringed and continues to infringe both patents by making and selling assembly lines for mounted units that embody both patents. Defendant counterclaims for declaratory judgment of patent non-infringement and invalidity. In order to move the case forward:

1. The parties shall schedule an in-court tutorial with the Case Manager.
2. The Markman process shall proceed as follows:
 - a. within twenty (20) days, plaintiff shall identify a single claim for each of the two patents at issue;
 - b. within twenty (20) days thereafter, defendant shall identify the ambiguous words/phrases in each of the two claims identified by plaintiff according to 2.a.;

- c. within twenty (20) days thereafter, plaintiff shall offer its interpretation of the words/phrases identified by defendant according to 2.b.;
 - d. within ten (10) days thereafter, defendant shall respond to plaintiff's interpretation;
 - e. a Markman hearing will be held on **Thursday, December 11, 2008, at 10:00 a.m.**
 - f. If either party relies on the prosecution history of the '677 patent or the '644 patent, the parties shall lodge with the Court a tabbed and indexed 3-ring binder containing the prosecution history. The parties shall cite this copy of the prosecution history in their papers.
- 3. The plaintiff shall promptly lodge with the Court a copy of each of the two claims identified under 2.a. in the form of Exhibit A, attached.
 - 4. The parties' papers relating to claim interpretation shall include a chart of the parties' interpretation of ambiguous words/phrases in non-argumentative form. An example is attached as Exhibit B.

Any objections to this order shall be filed within two (2) business days.

SO ORDERED.

Dated: September 3, 2008

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 3, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160